

No. 08-18-00180-CR

IN THE
COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS

FILED IN
8th COURT OF APPEALS
EL PASO, TEXAS
8/6/2019 4:41:33 PM
ELIZABETH G. FLORES
Clerk

MARIO ERNESTO MARTELL

APPELLANT

V.

THE STATE OF TEXAS

APPELLEE

STATE'S SECOND MOTION
FOR AN EXTENSION OF TIME TO FILE THE STATE'S BRIEF

TO THE COURT OF APPEALS, EIGHTH DISTRICT OF TEXAS:

COMES NOW, the State of Texas in the above styled and numbered cause, pursuant to Rule 10.5(b) and Rule 38.6(d) of the Texas Rules of Appellate Procedure, and requests an extension of time in which to file the State's brief, and would show the Court as follows:

1. Appellant was convicted of possession of marijuana in Criminal District Court No. One of El Paso County, Texas in a case styled, *The State of Texas v. Mario Ernesto Martell*, cause number 990D03958.

2. The State's brief is currently due to be filed on August 5, 2019.

3. This extension is requested for 30 days until September 4, 2019.

4. One motion for extension of time to file the State's brief has been previously requested by the State and granted by this Court.

5. The undersigned attorney for the State has been unable to complete the State's brief in a timely manner during the briefing period and requests this extension due to the following factors:

(a) Since the filing of the State's first extension request, the undersigned completed and filed in the Court of Criminal Appeals the State's brief on petition for discretionary review in the following case:

Alberto Montelongo v. The State of Texas, CCA Cause Number PD-0202-19, COA Cause Number 08-16-00001-CR, filed July 12, 2019.

(b) Since the filing of the State's first extension request, the undersigned completed and filed in this Court the State's petition for writ of mandamus in the following case:

In re: The State of Texas, Cause Number 08-19-00198-CR, filed July 19, 2019.

(c) The undersigned is also responsible for preparing and filing in this Court the State's briefs in the following cases:

Mario Ernesto Martell v. The State of Texas, Cause Number 08-18-00180-CR, due August 3, 2019 (1st extension);

Obed Radai Enriquez v. The State of Texas, Cause Number 08-18-00169-CR, due August 22, 2019 (2nd extension);

Christopher Eric Aguilera v. The State of Texas, Cause Number 08-18-00227-CR, due September 16, 2019 (FINAL extension).

(d) As the Appellate Division Chief of the 34th Judicial District Attorney's Office, the undersigned must devote much of his time on a daily basis to assisting the trial-division prosecutors with issues that arise in their cases before the District and County Courts, including (among many other things) providing legal research on emergency issues that arise during trial. The undersigned also has many appellate-division and office-wide administrative duties that require much of his time on a daily basis.

PRAYER

WHEREFORE, the State prays that its extension request will be granted
until September 4, 2019.

Respectfully submitted,

JAIME ESPARZA
DISTRICT ATTORNEY
34th JUDICIAL DISTRICT

/s/ Tom A. Darnold
TOM A. DARNOLD
ASST. DISTRICT ATTORNEY
EL PASO COUNTY COURTHOUSE
500 E. SAN ANTONIO
EL PASO, TEXAS 79901
(915) 546-2059 ext. 3070
FAX (915) 533-5520
E-MAIL: tdarnold@epcounty.com
SBN 00787327

ATTORNEYS FOR THE STATE

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the above motion was
sent by e-mail by utilizing the E-serve system on August 6, 2019, to appellant's
attorneys: Octavio Arturo Dominguez, at odominguez@epcounty.com; and Maya
I. Quevedo Stevenson, at mquevedo@epcounty.com.

/s/ Tom A. Darnold
TOM A. DARNOLD